MINUTES OF A REGULAR MEETING OF THE TORRANCE PLANNING COMMISSION

1. CALL TO ORDER

The Torrance Planning Commission convened in a regular session at 7:01 p.m. on Wednesday, February 17, 2010 in the Council Chambers at Torrance City Hall.

2. SALUTE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Skoll.

3. ROLL CALL

Present: Commissioners Browning, Busch, Horwich, Skoll, Uchima and

Chairperson Weideman.

Absent: Commissioner Gibson.

Also Present: Planning Manager Lodan, Planning Assistant Graham,

Civil Engineer Symons, Fire Marshal Kazandjian,

Plans Examiner Noh and Deputy City Attorney Sullivan.

<u>MOTION:</u> Chairperson Weideman moved to grant Commissioner Gibson an excused absence from this meeting. The motion was seconded by Commissioner Browning and voice vote reflected unanimous approval.

4. POSTING OF THE AGENDA

Planning Manager Lodan reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Thursday, February 11, 2010.

5. APPROVAL OF MINUTES

<u>MOTION:</u> Commissioner Browning moved for the approval of the December 2, 2009 Planning Commission minutes as submitted. The motion was seconded by Commissioner Uchima and voice vote reflected unanimous approval (absent Commissioner Gibson).

<u>MOTION:</u> Commissioner Browning moved for the approval of the December 16, 2009 Planning Commission minutes as submitted. The motion was seconded by Commissioner Skoll and voice vote reflected unanimous approval (absent Commissioner Gibson).

6. REQUESTS FOR POSTPONEMENTS

Planning Manager Lodan relayed the applicant's request to continue Agenda Item 11A, CUP09-00027. DVP09-00004, PRE09-00010: Riad Itani (Ghassan Baddour), to March 3, 2010.

<u>MOTION:</u> Commissioner Busch moved to continue Agenda Item 11A to March 3, 2010. The motion was seconded by Commissioner Browning and passed by unanimous roll call vote (absent Commissioner Gibson).

Planning Manager Lodan reported that a neighbor (Barry LeQuire, 22220 Warmside) has requested that Agenda Item 9C (PRE08-00011: Craig Richmond) be continued since is unable to attend this meeting, however, the applicant wishes to go forward with the hearing.

In response to Commissioner Busch's inquiry, Planning Manager Lodan confirmed that Mr. LeQuire submitted a letter detailing his concerns about the project.

<u>MOTION:</u> Commissioner Busch moved to deny the request for a continuance and to go forward with the hearing as scheduled. The motion was seconded by Commissioner Skoll and passed by unanimous roll call vote (absent Commissioner Gibson).

7. ORAL COMMUNICATIONS #1 – None.

Chairperson Weideman reviewed the policies and procedures of the Planning Commission, including the right to appeal decisions to the City Council.

8. TIME EXTENSIONS – None.

9. CONTINUED HEARINGS

9A. <u>PRE09-00009, WAV10-00003: LOUIE TOMARO (ANDY BALK)</u>

Planning Commission consideration for approval of a Precise Plan of Development to allow the construction of a new one-story, single-family residence with a basement in conjunction with a Waiver to exceed the maximum height on property located within the Hillside Overlay District in the R-1 Zone at 405 Via Anita.

Recommendation

Planning Assistant Graham introduced the request.

Commissioner Uchima announced that he was abstaining from consideration of this item because he lives within the notification area and exited the dais.

With the aid of slides, Jessica Reitz, project architect, briefly reviewed the proposed project. She noted that the project was redesigned to address the concerns of the neighbor at 405 Via La Soledad and this neighbor no longer opposes the project. She explained that the Waiver is necessary because the applicant would like to lower the pad of the garage to accommodate his RV and this increases the height of the structure, which is measured from the lowest adjacent grade to the highest ridge. She shared photographs of a nearby residence with a similar contemporary design and pointed out that the project's FAR (floor area ratio) of 0.35 is well below the maximum allowed. She reported that a project was previously approved for this site, but the property owner decided not to build it because it did not take advantage of the view.

In response to Commissioner Browning's inquiry, Ms. Rietz confirmed that a window was added to provide the required emergency egress from the lower level recreation room.

Joe Buck, 433 Via Anita, voiced his opinion that the project does not comply with the Hillside Ordinance because the applicant has not provided justification for exceeding the height limit of 14 feet and has not established that the project was designed to cause the least intrusion on the view, light, air and privacy of neighboring properties.

Responding to questions from the Commission, Mr. Buck explained that his property is not impacted by the project and that his concern was the weakening of the Hillside Ordinance.

Commissioner Busch asked if anyone is adversely impacted by the project, and Planning Manager Lodan reported that neighbors have not expressed any objections to the project as presented.

Ms. Reitz noted that the proposed project is 1.5 feet lower than the previously approved project and it's also below the height of the existing house.

MOTION: Commissioner Browning moved to close the public hearing. The motion was seconded by Commissioner Skoll and passed by unanimous voice vote.

Commissioner Skoll commended the architect for doing an excellent job of designing the project.

<u>MOTION:</u> Commissioner Skoll moved for the approval of PRE09-00009 and WAV10-00003, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote (absent Commissioners Uchima and Gibson).

Planning Assistant Graham read aloud the number and title of Planning Commission Resolution No. 10-008 and 10-012.

<u>MOTION:</u> Commissioner Horwich moved for the adoption of Planning Commission Resolution Nos. 10-008 and 10-012. The motion was seconded by Commissioner Skoll and passed by unanimous roll call vote (absent Commissioners Uchima and Gibson).

Commissioner Uchima returned to the dais.

9B. CUP09-00026, PRE09-00008: JALAL ASHRAFZADEH (TINISH LLC)

Planning Commission consideration for approval of a Conditional Use Permit and Precise Plan of Development to allow the expansion of an existing mini-mart, the retail sale of beer and wine for off-site consumption, the relocation of the repair shop, and the addition of a new restaurant to an existing service station on property located within the Hillside Overlay District in the C-3 Zone at 25905 Rolling Hills Road.

Recommendation

Approval.

Planning Assistant Graham introduced the request and noted supplemental material available at the meeting consisting of a modified condition of approval, a modified code requirement, and correspondence received after the agenda item was completed.

Erickson Marquez, Sanjar & Associates, project architect, voiced his agreement with the recommended conditions of approval. He explained that his client would like to expand the mini-mart/service station so that he can obtain a 7-Eleven franchise. He briefly described the proposed project, which includes relocating the repair shop and adding a restaurant, noting that the repair shop was positioned closest to the adjacent apartment building because it will have the earliest closing time. Referring to a survey prepared for the applicant, he reported that views from the first floor of the apartment building are already blocked by the existing building and second floor views will be preserved because the height of the new structure will be only slightly above the railing of second floor balconies. He noted that the trash container has been moved as far away as possible from residences.

Commissioner Busch asked about public outreach efforts. Mr. Marquez reported that he personally took a letter to the manager of the apartment building inviting residents to contact him if they had any questions or concerns about the project, but no one has contacted him, and he also spoke with the apartment building owner, who expressed concerns about view impact. He related his belief that only two apartments are affected and in both cases residents would still be able to see over the top of the building. He explained that he purposely kept the building as narrow as possible to minimize the impact on views.

Commissioner Busch noted that the applicant submitted a petition in support of the project signed by patrons of the gas station, however, he was not inclined to give it much weight because it only contains signatures with no addresses or phone numbers for verification.

In response to Commissioner Busch's inquiry, Planning Manager Lodan clarified that staff was recommending approval of the project, but not the sale of beer and wine because the Torrance Municipal Code requires that service stations selling beer and wine be a minimum of 300 feet away from existing establishments that sell beer and wine and there is a supermarket and a liquor store within this radius.

Commissioner Busch indicated that he also had reservations about allowing the sale of beer and wine because he felt this restriction was put in the Code for a reason.

Commissioner Browning related his experience that this service station charges for compressed air in violation of the TMC 95.3.15 (p).

Jalal Ashrafzadeh, owner of the service station, reported that water and compressed air are free for customers and there is a sign directing people to go inside and the pump will be unlocked via a remote control.

Commissioner Busch asked if the Code requirement that free compressed air and water be provided at gas stations pertains to customers only.

Commissioner Skoll quoted from the Code section, which states that compressed air and water facilities shall be provided for public use at no charge.

Commissioner Busch suggested that a reminder that compressed air and water must be provided free of charge be included when annual business license renewals are sent out because some gas stations may not be aware of this.

Commissioner Browning expressed concerns about the storage of RVs and boats at this site.

Mr. Ashrafzadeh explained that he parks his RV there and has allowed friends to do so, but there will no longer be any room for vehicle storage with the proposed improvements and it is prohibited by the Conditional Use Permit.

Commissioner Browning indicated that he was not opposed to the expansion of the mini-mart, but was concerned that residents of the nearby apartment building would be disturbed by noise from the repair shop and odors from the restaurant due to their close proximity.

Mr. Marquez noted that the applicant was proposing to construct a 10-foot high wall to buffer noise.

Commissioner Skoll stated that he shared concerns about potential noise impact and wasn't sure the 10-foot wall would adequately mitigate it.

Commissioner Horwich noted that Condition No. 8 requires that any vehicles stored on the property overnight related to repair service shall be stored in service bays and questioned what would happen if more than two vehicles have to be stored overnight since there are only two service bays.

Planning Manager Lodan advised that arrangements would have to be made to store the vehicles off-site.

In response to Commissioner Busch's inquiry, Sahab Sanjar, of Sanjar & Associates, reported that the project should take approximately 6 months to complete.

Commissioner Browning asked if the owner would still be able to obtain the 7-Eleven franchise if permission to sell beer and wine is denied.

Christina Reeder, representing 7-Eleven, explained that this location has been approved for a franchise based on a sales forecast that includes the sale of beer and wine and the approval will have to be reevaluated should permission to sell alcohol be denied.

Indicating that he was inclined to allow the sale of beer and wine, Commissioner Browning stated that he believes in free enterprise and would not want to penalize this business just because there is another business that sells alcohol across the street. He

related his understanding that it's difficult for a 7-Eleven to survive without the sale of beer and wine.

Chairperson Weideman invited public comment.

Carla Pasch-Doose, owner of adjacent apartment building, 25935 Rolling Hills Road, voiced objections to the project. Submitting photographs to illustrate, she contended that views from 18 units would be obstructed by the project in violation of TMC §91.41.6. She expressed concerns that residents would also be affected by noise and exhaust from the auto repair shop, which would be only 10 feet from the apartment building. She reported that real estate agents have estimated that the project could cause a reduction in the value of her property of up to \$700,000.

Craig Caryl, Palos Verdes, stated that he regularly uses this 76 gas station and believes having a 7-Eleven there would be useful. He noted that his RV, which is a converted 1967 Greyhound bus, is currently parked on the site while it undergoes repairs.

Cynthia Rodriquez, manager of Rolling Hills Apartments, 25935 Rolling Hills Road, contended that the proposed project would block views and intrude on residents' privacy and make it necessary to lower rents in order to attract new tenants. She expressed concerns that residents would also be adversely affected by parking lot lighting that shines into apartment units, noisy customers leaving the restaurant after consuming alcohol, and dust and debris during the construction process. She suggested the possibility of relocating the repair shop further away from the apartments.

In response to Chairperson Weideman's inquiry, Planning Manager Lodan confirmed that the applicant was not requesting approval to sell alcohol at the restaurant and this would require a separate Conditional Use Permit and Planning Commission approval.

In response to Commissioner Busch's inquiry, it was reported that the service station was built in 1963 and the adjacent apartment building was built in 1972.

Mark Doose, owner of Rolling Hills Apartments, 25935 Rolling Hills Road, contended that having an auto repair shop and a restaurant in close proximity to the apartment building would drastically reduce its value. He estimated that the proposed development would result in a loss of income of approximately 10-15% per unit, which translates into a reduction in property value of \$600,000-700,000. He related his understanding that buildings in the Hillside Overlay are limited to a height of 14 feet.

Planning Manager Lodan clarified that buildings 14 feet and under can be approved via the sign-off process, while buildings over 14 feet require a Precise Plan, which must be approved by the Planning Commission.

Rosemary Iloenyosi, 25920 Rolling Hills Road, urged denial of the request to sell beer and wine at this location. She noted that there is a Ralph's Market across the intersection and a One-Stop Mart across the street, both of which sell alcohol, and contended that allowing people to buy alcohol at service stations leads to more accidents. She expressed concerns that laborers driving down Crenshaw after a long

day of work would be tempted to buy alcohol when stopping for gas and then consume it while driving.

Yuichi Usui, 25935 Rolling Hills Road, stated that he rented his apartment because of the view, which will be blocked if this project goes forward. He reported that he is currently bothered by noise from the trash dumpster, which is right below his apartment, and exhaust and noise from mechanics working on vehicles in the parking lot. He also reported that he can smell propane when the propane tank is filled.

In response to Commissioner Busch's inquiry, Planning Manager Lodan related his understanding that the AQMD is the agency responsible for regulating emissions from propane tanks. He confirmed that there are some restrictions on the repair of vehicles in the parking lot and Commissioner Busch noted that Mr. Usui could contact Code Enforcement about his concerns.

Chairperson Weideman noted that the dumpster will be relocated and enclosed if this project goes forward.

Morgan Sanjar, Rolling Hills, expressed support for the project, explaining that it would be a great convenience for nearby residents.

Returning to the podium, Mr. Marquez wanted to make clear that the application to sell beer and wine is only for the mini-mart and not the restaurant. He offered to reduce the height of the building by 2 feet 9 inches to address the view impact at the Rolling Hills Apartments.

Commissioner Browning stated that he had no problem with the expansion of the mini-mart, but was concerned about having the restaurant and service bays so close to the apartment building. He asked about the possibility of reconfiguring the project with the restaurant and repair shop in a separate building south of the mini-mart to create a larger buffer for the apartments.

Mr. Ashrafzadeh explained that the initial design was to have separate buildings as Commissioner Browning proposed, but it was changed at the direction of Planning staff.

Planning Manager Lodan advised that there are setback issues involved in relocating the restaurant and repair shop to the southern portion of the lot and the applicant would have to either reduce the size of the building or apply for a Waiver. He reported that staff looked at a number of scenarios and felt that the proposed design was the best option based on the constraints of the lot and the applicant's desire to retain the existing building.

Commissioner Busch indicated that he concurred with Commissioner Browning's suggestion and favored continuing the hearing indefinitely to allow the applicant an opportunity to redesign the project.

Mr. Ashrafzadeh asked if Commissioners were inclined to support the sale of beer and wine at this location.

Commissioner Busch stated that he would keep an open mind, but could not say for certain that he would vote to approve the sale of beer and wine.

Commissioner Horwich, Commissioner Uchima and Commissioner Skoll indicated that they had no objections to allowing the sale of beer and wine at this location.

Commissioner Uchima stated that he was concerned about the noise and nuisance of having the repair shop so close to residences and he also believed there are view impacts that need to be addressed. He noted that the Malaga Bank across the street is similarly situated and several changes had to be made to address view impact before that project was approved.

Planning Manager Lodan recommended that the applicant meet with the apartment owners and take a look at the views that are impacted.

Chairperson Weideman stated that he had reservations about approving the sale of beer and wine at this location since there are two other places that sell alcohol within 300 feet, but he was not adamant about it.

<u>MOTION:</u> Commissioner Busch moved to continue the hearing indefinitely. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote (absent Commissioner Gibson).

The Commission recessed from 9:05 to 9:12 p.m.

Agenda Item 14A was considered out of order at this time.

14A. SAT09-00004: PETE FERRARO (T-MOBILE)

Planning Commission consideration of an appeal of a Telecommunications Committee approval of a Telecom Permit to allow the installation of a 55-foot tall telecommunications facility with 12 antennas designed as a false tree and the installation of associated equipment on property located in the C-2 Zone at 20110 Anza Avenue.

Recommendation

Approval.

Ed Gala, representing T-Mobile, stated that the primary basis of the appeal is the potential health effects from RF (radio frequency) exposure, and federal law preempts local jurisdictions from considering potential health issues, therefore the appeal has no merit.

Commissioner Busch questioned whether a commissioner may participate in this hearing if he owns stock in a mutual fund that includes Deutsche Telekom, which is the parent company of T-Mobile.

Assistant City Attorney Sullivan advised that this would not create a conflict of interest.

Troy Fontana, 20115 Pruitt Drive, appellant, reported that websites cited by the applicant at the Telecommunications Committee meeting all indicate that more research is needed to determine the effects of long duration low level RF exposure. He explained that based on the applicant's statement at the Telecommunications Committee, he calculated his family's exposure to RF to be equivalent to standing seven feet away from a running microwave and he subsequently recalculated based on the actual distance from the cell tower to his house and learned that the exposure would be equivalent to standing only six inches away. He doubted that anyone would feel comfortable with this type of exposure even for a short duration and related his belief that there are better locations available that would provide the necessary coverage without being so close to residences, noting that even moving the tower to the edge of the property line would cut his family's exposure in half. He stated that he was also concerned about a reduction in his property value due to the public's perception of health hazards associated with cell phone towers.

Chairperson Weideman noted a discrepancy in the RF exposure cited in the staff report and Mr. Fontana's calculations. Mr. Gala later confirmed that Mr. Fontana's calculations were correct.

Responding to questions from the Commission, Assistant City Attorney Sullivan advised that RF levels are regulated by the FCC and local governments are precluded from considering potential health risks associated with RF exposure. He explained that the applicant is required to demonstrate the following: 1) that higher priority locations are not available or are not feasible; 2) that establishment of a facility is necessary to provide service; and 3) that lack of such a facility would result in the prohibition of service. He noted that the Commission could also consider the impact on property values.

Planning Manager Lodan clarified that the Code prohibits cell towers in residential areas, but it does not require a buffer from residential land uses and there are cell towers in Torrance located in the public right-of-way adjacent to residences.

Commissioner Busch asked if it must be disclosed to prospective buyers if a cell tower is within a certain distance of a property, and Assistant City Attorney Sullivan stated that he was not familiar with current disclosure requirements, but a real estate agent would likely disclose it if one is nearby due to public concern about this issue.

Commissioner Browning related his understanding that since Mr. Fontana has publicly stated that he believes the cell tower poses a health risk, he would be obligated to disclose this information to any potential buyer of his property in the future.

Commissioner Skoll noted that the staff report mentions that the four equipment cabinets for the cell tower will be surrounded by an 8-foot high wall and questioned whether there would be a cover on top to prevent tampering with the equipment.

Planning Manager Lodan advised that the City typically does not require a cover because this has not been a problem.

Chairperson Weideman invited public comment.

Donald Mitchell, representing Paul Conn the owner of the shopping center where cell tower would be located, discussed the benefits of cell phones and stressed the need for cell towers to improve coverage.

John Bailey, president of Southeast Torrance Homeowners Association, voiced objections to locating a cell tower adjacent to two single-family residences. He contended that T-Mobile had not made a good faith effort to locate an alternative site because information submitted by the applicant indicates that only two other sites were considered. He noted that the Telecommunications Ordinance states that the City has the discretion to engage an outside technical consultant to verify the information used to support an application, with the fees to be paid by the applicant, and expressed dismay that this was not done. He asked about the size of the equipment cabinets; who will be responsible for cleaning up graffiti on the enclosure wall; whether there will be a generator in case there is a power outage; and how often the FCC inspects a facility to verify emission levels. He related his belief that there were too many unanswered questions to vote on the application at this time.

Linda Gottshall Sayed, 19332 Donora Avenue, voiced her opposition to the proposed cell tower. She stated that while the subject property is zoned commercial, this is primarily a residential neighborhood with a few small strip malls interspersed and pointed out that TMC §92.39.010 specifically encourages the location of cell towers in non-residential areas. She expressed concerns that the West Torrance Homeowners Association was not notified of the Telecommunications Committee hearing on this matter.

Melanie Dreike, president of West Torrance Homeowners Association, echoed concerns that the HOA did not receive notification of the Telecommunications hearing despite the Mayor's assurance that she would be notified of issues affecting the West Torrance neighborhood. She stated that the proposed cell tower is an unsightly, unwanted intrusion into a single-family residential neighborhood, which would have a drastic effect on the property values of adjacent homes. She submitted emails from the HOA membership: 1 in favor, 2 no opinion, and 12 in opposition. She requested that this item be continued so HOA members would have more time to gather information on this issue.

Chris Dreike, 4602 Carmelynn Street, voiced objections to the cell tower, citing aesthetics and the impact on property values. He voiced his opinion that the City has been lax in requiring that this corner be kept up to Code.

Chairperson Weideman questioned whether the City had hired an outside technical consultant to verify the claims in the application pursuant to TMC §92.39.040, and Planning Manager Lodan reported that the City had not.

Rosa Fontana, 20115 Pruitt Drive, appellant, reported that she and her husband bought their home a couple of years ago and they would have never purchased it if they had known that there would be a cell tower almost in their backyard. She stated that there is strong perception that there are health risks associated with cell towers, especially among mothers, so the proposed tower would undeniably affect the desirability of their property.

Commissioner Browning asked if pregnant women are more susceptible to health hazards from radiation, and Ms. Fontana related her belief that fetuses and young children are more vulnerable to the effects of the environment.

Commissioner Busch noted that typically dentists will not take x-rays of a woman's teeth during pregnancy due to concerns about radiation exposure.

Returning to the podium, Mr. Gala stated that he was surprised that testimony on potential health hazards was being allowed because federal law clearly preempts local jurisdictions from considering this issue and he had no way of knowing how much this testimony has influenced commissioners as two of them have expressed concerns about health issues.

Assistant City Attorney Sullivan noted that he advised commissioners earlier this evening that they may not consider potential health impacts and this information was also included in the agenda item. He further noted that other relevant issues had been raised, including the impact on property values and the applicant's failure to explore other potential locations.

Mr. Gala reported that the Fontanas' exposure to RF radiation would be 2% of the allowable level set by the FCC and the RF would not approach what's considered dangerous even if all five cell phone carriers placed antennas on this pole. He submitted appraisal studies from 2006, 2007 and 2008 indicating that proximity to cell towers has no negative impact on property values. He explained that virtually all cell towers in Torrance are close to residential uses due to the development pattern of the city; that they are allowed on residential properties in some cities; and that he personally has had them approved on apartments, condominiums, schools and a church with a daycare facility. He contended that cell towers are perfectly compatible with residential uses as they generate no traffic, fumes or noise and require very little maintenance. With regard to alternative sites, he stated that every commercial site within 500 feet was evaluated and the three cited in the application were approached only after the others were rejected for obvious reasons, such as lack of adequate space and view impact. He pointed out that the Telecommunications Committee and City staff, who have dealt with hundreds of these applications, have recommended approval of the project. maintained that all the evidence in the public record supports the necessary findings for approval.

Chairperson Weideman asked about the requirement that the applicant demonstrate that this facility is necessary due to a gap in coverage.

Mr. Gala stated that plot maps included in the agenda item show gaps in coverage to the northwest of the site, which the proposed cell tower is meant to address.

Commissioner Busch reported that he benefited when T-Mobil installed a cell tower on Maple Avenue because prior to that he and other residents of his development were unable to use cell phones inside their homes. Noting that the property value studies submitted were done out of state, he questioned if Mr. Gala had a survey pertaining to Southern California.

Mr. Gala submitted a survey from Marin County, which found that cell towers had no negative impact on property values. He noted that homes closest to them actually

increased in value more than neighboring homes, possibly because they were at a higher elevation and had better views.

Commissioner Busch pointed out that T-Mobile's website indicates that there is already good cell phone service in the subject area. Mr. Gala explained that the website is a marketing tool and includes a disclaimer that coverage may vary.

Commissioner Browning discussed the possibility that the cell tower could fall and injure either a pedestrian or a motorist and suggested that a site in an area where there is less traffic might be better.

Mr. Gala reported that cell towers are wind-tested and designed to withstand earthquakes and they must comply with all Building and Safety requirements.

Commissioner Browning indicated that his concern about the project was not related to health issues but rather the cell phone tower's location and he believed a site in the nearby commercial/industrial area would be more appropriate. He stated that he also thought the tower's height was excessive because there is nothing close to 55-feet tall in the vicinity.

Mr. Gala voiced his opinion that the mono-pine cell phone tower would blend in nicely with mature pine trees in the area.

Commissioner Skoll asked about protection against vandalism. Mr. Gala reported that in most cases the block wall around the equipment provides adequate security and a chain link lid is placed over the top where added protection is desired.

Commissioner Skoll voiced his opinion that a chain link lid would not provide adequate protection from someone seeking to damage or destroy the equipment.

Mr. Gala explained that an air conditioner would be needed if the equipment was completely enclosed and that would generate noise; that the chain link lid has proven to be effective in areas where vandalism is common; and that T-Mobile has a vested interest in protecting the expensive equipment from theft and vandalism.

Commissioner Browning related his understanding that the equipment is located in weatherproof housing that's lockable and not easy to break into, and Mr. Gala confirmed this.

Mr. Fontana noted that the applicant has claimed that the cell tower is necessary to provide coverage, however, he has AT&T and his reception is fine without a cell tower in his backyard.

Commissioner Horwich stated that despite information submitted by the applicant, residents have a different perception of the health risks associated with cell towers and the impact on property values, and he would not support the cell tower because it has been his experience that such perceptions tend to become reality over a period of time.

Chairperson Weideman stated that he believed evidence submitted supports the hiring of an outside technical consultant to verify the data submitted by T-Mobile to justify this location.

Commissioner Busch wanted to make clear that his decision would not be based on health issues and expressed support for Chairperson Weideman's suggestion that an independent consultant be hired.

Noting the proximity of the fire station, Commissioner Skoll related his understanding that the International Association of Firefighters has expressed opposition to cell phone towers/antennas being placed on or around fire stations until proof has been provided that there are no safety-related issues. He stated that he was very disappointed that T-Mobile did not discuss the proposal with the homeowner association and nearby residents and noted that he whole-heartedly agrees with TMC §92.39.010, which encourages the location of cell phone facilities in non-residential areas.

A brief discussion ensued and it was the consensus of the Commission to continue the hearing so more information could be provided.

<u>MOTION:</u> Commissioner Busch moved to continue the hearing indefinitely until additional information can be provided, including a review of the applicant's data from an outside technical consultant pursuant to TMC §92.39.040(b)(2), and information about the exploration of other sites, safety, and building materials. The motion was seconded by Chairperson Weideman and passed by unanimous roll call vote (absent Commissioner Gibson).

Planning Manager Lodan noted that the hearing will be re-advertised and requested that people leave contact information if they wish to be added to the list.

The meeting resumed in regular agenda order.

9C. PRE08-00011: CRAIG RICHMOND

Planning Commission consideration for approval of a Precise Plan of Development to allow first and second-story additions to a one-story, single-family residence on property located within the Hillside Overlay District in the R-1 Zone at 22221 Warmside Avenue.

Recommendation

Approval.

Planning Assistant Graham introduced the request and noted supplemental material available at the meeting, consisting of correspondence received after the agenda item was completed.

Miles Pritzkat, representing the applicant Craig Richmond, voiced his agreement with the recommended conditions of approval. He noted that he did not design the project but had familiarized himself with it so he could answer any questions.

Commissioner Browning disclosed that he visited the site on Saturday, February 13, and spoke with the owners of 22215, 22220 and 22214 Warmside Avenue in reference to the project and other matters, but did not indicate whether he was for or against the project.

Commissioner Browning noted that since the last hearing on this project, the applicant has added trees that obstruct neighbors' views, some of which are still in containers. He stated that he found this disturbing and his decision would be based not only on what he observed on Saturday but also on his earlier observations.

Mr. Pritzkat stated that he did not believe the applicant's intention was to obstruct the view and suggested that the trees may have been put there to address privacy issues.

Barry LeQuire, 22220 Warmside, voiced objections to the project, maintaining that it would have an adverse impact on his view, light, air and privacy. He stated that the project's main living quarters would look directly into his master bedroom; that the second story would eliminate his ocean view; and that the two-story structure would block sun from west-facing rooms and increase the wind tunnel effect. He suggested that the impact on his property could be mitigated if the kitchen and dining room were relocated to the first floor and the balcony was eliminated. He expressed concerns that the applicant has raised the grade of his rear yard without benefit of permit placing pressure on the property line wall, which was not designed to be a retaining wall, and recommended that the applicant be required to provide a soils investigation report before any building permits are issued. He related his understanding that the property owner at 22224 Warmside was never notified of this hearing.

Plans Examiner Noh advised that the Grading Division will determine whether a soils report is required during the plan check process, and Planning Manager Lodan confirmed that notification of the hearing was sent to the owner of record of 22224 Warmside based on property tax rolls.

Commissioner Busch asked about outreach efforts, and Mr. LeQuire reported that the applicant has never contacted him concerning the project.

Commissioner Busch asked when the two-story homes on either side of the project were built. Planning Manager reported that 22215 Warmside was constructed approximately five years ago and there have been a series of additions at 22225 Warmside, with the last one completed within the past 10 years.

In response to Commissioner Busch's inquiry, Planning Manager Lodan discussed the concept of "acquired views." He explained that, historically, the Planning Commission and the City Council have afforded less protection to views that were acquired as a result of an addition built after the Hillside Ordinance was enacted.

Commissioner Browning reported that he observed that the proposed project would cast a shadow on 22215 Warmside and block sunlight from the south side of the house; that he also observed a view impact at 22215, which could be mitigated by bringing the rear wall of the project in line with homes on either side; and that he observed a great impact on the view at 22220 Warmside from both the first and second floor.

In response to Commissioner Busch's inquiry, Mr. LeQuire reported that his addition was built in 1992, however, there is a view impact from the first floor of the home, which was built in 1950.

Alfred Kim, 22225 Warmside Avenue, reported that since Mr. Richmond moved next door in 2000, he has filed many complaints about Mr. Kim's house. He expressed concerns that Mr. Richmond intends to resume his business of building paddleboards in the workshop of the new addition.

Todd Horton, 22215 Warmside, stated that he detailed his concerns in the letter included in the supplemental material and he would not repeat them due to the lateness of the hour. He expressed frustration that Mr. Richmond has been very adamant about the addition and unwilling to negotiate.

Rob Attwood, 22220 Shadycroft Avenue, reported that Mr. Richmond has attempted to work with him, but the project as proposed would greatly impact his privacy because the addition would look down into his master bedroom and backyard.

In response to Commissioner Uchima's inquiry, Mr. Attwood stated that he has lived at this address for five years and related his understanding that the second story was built in 1975.

Returning to the podium, Mr. Pritzkat discussed Mr. Richmond's efforts to mitigate the impact on neighbors, including increasing the rear yard setback by 9 feet and reducing the square footage. He reported that Mr. Richmond felt intimidated by Mr. LeQuire and therefore worked with staff to try to mitigate the impact on his property. He expressed concerns that shifting the project to address the concerns of one neighbor ends up impacting another. He noted that both Mr. Horton and Mr. LeQuire have homes with higher FARs than the proposed project, which is under 0.50, and related his belief that the project was very reasonable given the size of other homes in this neighborhood.

In response to Commissioner Busch's inquiry, Mr. Pritzkat reported that Mr. Richmond designed the project himself.

Commissioner Busch stated that since Mr. Richmond wasn't present to discuss potential changes and the project has been going on for a long time, he felt the Commission should make a decision this evening. Referring to the minutes from the May 21, 2008 Planning Commission meeting, he noted that both he and Commissioner Skoll had encouraged Mr. Richmond to work with his neighbors and related his belief that not enough outreach had been done. He voiced his opinion that the project would impact the view from the first floor at 22220 Warmside, which is not an acquired view.

Commissioner Browning suggested that the applicant might wish to consider a one-story addition because with an FAR of 0.50 he could have a 2900 square-foot home, which is slightly larger than the proposed project, and it would eliminate many of the view and privacy issues.

MOTION: Commissioner Busch moved to close the public hearing. The motion was seconded by Commissioner Skoll and voice vote reflected unanimous approval.

Commissioner Busch noted his concurrence with Commissioner Browning's suggestion.

Chairperson Weideman stated that he appreciated the discussion about acquired views, but for him it does not hold as much weight as it might with others.

<u>MOTION:</u> Commissioner Busch moved to deny PRE08-00011 without prejudice. The motion was seconded by Commissioner Browning and passed by unanimous roll call vote (absent Commissioner Gibson).

Planning Manager Lodan noted that a resolution reflecting the Commission's action would be brought back at a later date.

10. WAIVERS – None.

11. FORMAL HEARINGS

11A. <u>CUP09-00027, DVP09-00004, PRE09-00010: RIAD ITANI (GHASSAN (BADDOUR)</u>

Planning Commission consideration for approval of a Conditional Use Permit, Development Permit, and Precise Plan of Development to allow the construction of a new mixed-use office and residential project with access via an easement with the adjacent property to the north, on property located within the Hillside Overlay District in the HBCSP-WT Zone on the east side of Hawthorne Boulevard, north of Rolling Hills Road.

Continued to March 3, 2010.

- **12. RESOLUTIONS** None.
- **13. PUBLIC WORKSHOP ITEMS** None.
- 14. MISCELLANEOUS

14A. SAT09-00004: PETE FERRARO (T-MOBILE)

Considered out of order, see pages 8-13.

15. <u>CITY COUNCIL ACTION ON PLANNING MATTERS</u>

Planning Manager Lodan reported that the City Council considered the appeal of the Planning Commission's decision to approve the Precise Plan at 122 Calle de Arboles at the February 2 Council meeting and voted unanimously to deny the appeal and approve the project.

16. <u>LIST OF TENTATIVE PLANNING COMMISSION CASES</u>

Planning Manager Lodan reviewed the agenda for the March 3, 2010 Planning Commission meeting.

17. ORAL COMMUNICATIONS #2

- **17A.** Commissioner Busch asked if more building permits were being issued due to the improving economy, and Planning Manager Lodan reported that there was a spurt at the end of the year, but it was slowing down again.
- **17B.** Commissioner Busch related his understanding that Torrance will be receiving federal funds for blighted areas.

Planning Manager Lodan explained that the funding will allow businesses to obtain financing for construction projects at a much lower interest rate and in order to take advantage of the program, the City had to declare certain areas to be blighted.

17C. Commissioner Skoll noted that at the December 16 meeting, he had requested that staff provide information about reserved parking and also about accidents in the driveway at the Madrona Medical and Professional Center.

Planning Manager Lodan advised that there are a number of information items pending and staff will be presenting them as time permits.

- **17E.** Chairperson Weideman commented positively on the layout of the EIR distributed to commissioners for the Rockefeller project on Lomita Boulevard.
- **17D.** Commissioner Horwich commended Chairperson Weideman for showing a lot of patience during this lengthy meeting.

18. <u>ADJOURNMENT</u>

At 11:25 p.m., the meeting was adjourned to Wednesday, March 3, 2010 at 7:00 p.m.

Approved as Submitted April 7, 2010 s/ Sue Herbers, City Clerk